



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
(Case No. 98,009-B1)

In the application of:

<b>Kathleen E. Rodgers, et al.</b>	)	
	)	
Serial No: <b>09/658,315</b>	)	Art Unit: <b>1654</b>
	)	
Filed: <b>September 8, 2000</b>	)	Examiner: <b>Gupta, A.</b>
	)	
For: <b>METHOD OF PROMOTING</b>	)	Conf. No.: <b>3507</b>
<b>ERYTHROPOIESIS</b>	)	

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT,  
UNDER 37 C.F.R. § 1.181(a)**

**MAIL STOP PETITION**  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR 1.181(a) this is a Petition to Withdraw Holding of Abandonment for alleged failure to respond to the Office Action, mailed on November 15, 2002.

We received a Notice of Abandonment from the Patent Office, mailed July 1, 2003, for the above-captioned patent application. The undersigned submitted an amendment and response to the Office Action, mailed November 15, 2002. This response was deposited with the U.S. Postal Service on February 10, 2003, with a Certificate of Mailing by "Express Mail" under 37 C.F.R. § 1.10 (Express Mail No: EL904276093US). A copy of the complete amendment and response is included as Exhibit A.

Further, our offices received the return receipt postcard included with the amendment and response, which is stamped as received by the Patent and Trademark Office: "DT07 Rec'd PCT/PTO 10 FEB 2003". A copy of this postcard is attached as Exhibit B. The postcard clearly indicates that the Express Mail package included the postcard along with a transmittal letter and "Response to 11/15/02 Office Action (12

sheets)". Thus, from our records, it appears that the Patent Office received the amendment and response to the Office action, mailed November 15, 2002.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the holding of abandonment for the instant case. No fee is believed due with this Petition (M.P.E.P. § 711.03(c), sec. I, 1<sup>st</sup> paragraph). Nevertheless, if a fee is due the Commissioner is authorized to charge any deficiency or credit any excess in this fee to Deposit Account No. 13-2490.

Respectfully submitted,

Dated: 9/11/03

David S. Harper  
Reg. No. 42,636